

LEGAL HOLD NOTICE

TO

US DISTRICT COURT JUDGE EDWARD M. CHEN & SUPPORT STAFF

US DISTRICT COURT MAGISTRATE JUDGE KANDIS WESTMORE & SUPPORT STAFF

DIGITAL REALTY TRUST, INC.

SEYFARTH SHAW LLP

BRIAN T. ASHE, SHIREEN Y. WETMORE & KYLE PETERSEN INDIVIDUALLY

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JUNE 5, 2018

**Re: Notice to the Court, Defendants and their Counsel to Preserve Paper Copies and Electronic Information Related to the Lawsuit between Paul Somers vs. Digital Realty Trust, Inc. & Ellen Jacobs**

This letter requests your immediate attention to preserve both hard copies and electronically stored information that contain evidence important to the above legal matter.

This notice applies to your private email addresses, private cloud based storage or transfer accounts such as Dropbox. (if they have been used for any purpose related to the the above referenced case) as well as those on systems maintained by by the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary or Seyfarth Shaw LLP or any in-house or 3rd party providers.

This notice applies to your on and off-site computer systems and removable electronic media plus all computer systems, services, and devices (including all remote access and wireless devices) used for your overall operation. This includes, but is not limited to, e-mail and other electronic communications; electronically stored documents, records, images, graphics, recordings, spreadsheets, databases; calendars, system usage logs, contact manager information, telephone logs, internet usage files, deleted files, cache files, user information, and other data.

Further, this notice applies to archives, backup and disaster recovery tapes, discs, drives, cartridges, voicemail and other data. All operating systems, software, applications, hardware, operating manuals, codes, keys and other support information needed to fully search, use, and access the electronically stored information must also be preserved.

The importance of immediate action cannot be overstated. Electronically stored information is easily corrupted, altered, and deleted in normal daily operations. Even booting a drive, running an application, or reviewing a document can permanently alter evidence. An important method for preserving data in its original state is to have a forensic image (mirror image or clone image) made of pertinent hard drives of both office and home computers used for business and of network servers. This image captures all current data, including the background or metadata about each document. Simply copying data to a CD-ROM or other common back-up medium is not adequate. For each captured image file, record and identify the person creating the image and the date of creation. Secure the file to prevent subsequent alteration or corruption and create a chain of custody log. Once the forensic data image file is created, the pertinent computer or other device can be placed back into operation.

This preservation notice covers the above items and information between the following dates: November 24, 2014 to present day and any day thereafter until further notice. Follow the above procedures to preserve electronic information and hard copies created after this notice.

Current law and rules of civil procedure clearly apply to the discovery of electronically stored information just as they apply to other evidence, and confirm the duty to preserve such information for discovery. You and other employees, agents, and affiliated organizations must take all reasonable steps to preserve this information until this legal matter is finally resolved. Failure to take the necessary steps to preserve the information addressed in this letter or other pertinent information in your possession or control may result in serious sanctions or penalties.

Further, to properly fulfill your preservation obligation, stop all scheduled data destruction, electronic shredding, rotation of backup tapes, and the sale, gift or destruction of hardware. Notify all individuals and affiliated organizations of the need and duty to take the necessary affirmatives steps to comply with the duty to preserve evidence.

Sincerely,

/s/ Paul Somers

PAUL SOMERS